

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Minutes of Special Meeting

April 26, 2004

Attendance:

Robert Clegg, Chairman, designee Department of Safety

James Petersen, PE, Board of Engineers, licensed mechanical engineer
Tedd Evans, Board for licensing and regulation of plumbers, licensed master plumber
Joel Fisher, Board of Engineers, licensed structural engineer
John Tuttle, NH Home Builders Association, Architectural designer – residential
Kenneth Andrews, NH Building Officials Association, municipal building official
Medard Kopczynski, NH Municipal Association
George Maihos, NH Electricians Board, licenses master electrician

Absent/Excused:

Jerry Tepe, Board of Architects, licensed architect
Thomas S Lambert, Chief, NH Association of Fire Chiefs, Municipal Fire
Tyler Carlisle, Board of Engineers, licensed electrical engineer
Wes Golomb, State energy conservation code office
Mark Weissflog, NH Electrical Contractors Business Asso., licensed master electrician
Fred Baybutt, Associated General Contractors, building contractor – non-residential buildings
Rick Swain, NH Plumbing & Mechanical Contractors Assoc., mechanical contractor, business
Michael Santa, CBO, Governor's Commission on Disability, Architectural barrier/free design
Bruce Phillips, NH Association of Fire Chiefs, municipal volunteer fire chief

Guests:

Marta Modigliani, Attorney, Department of Safety, Office of the Commissioner
Tom Johnson, Durham CEO
J. William Degnan, Acting State Fire Marshal

BOARD MEETING:

Chairman Clegg declared there was a quorum present and declared the meeting open.

Chairman Clegg asked if the Board members had had a chance to review the appeal documents, and made some decision as to whether or not it meets the Code Bcr 206:102. Ken Andrews made a **motion** the appeal that was presented, meets the criteria set forth in the Rules. John Tuttle **seconded** the motion. Med Kopczynski asked if BCR 206:02 (b)(5) as this is the first appeal, the package was just a little weak. Should the application have been more specific as to criteria related to the life safety code. Ken Andrews **amended his motion** that any deficiencies, because the Rules were not posted, will be made whole before the next hearing, if there are any. John Tuttle **seconded the amended motion**. Board members voted. Vote was unanimous.

Motion was made by Med Kopczynski, that the Board Procedural Rules, 207:01, apply to this proceedings. **Motion** was **seconded** by Ken Andrews. Board members voted. Vote was unanimous.

Board Members are cautioned by legal counsel from the Attorney General's office, do not prejudice the case and be careful to frame their discussions so that the parties can not reasonably suspected that there may be bias based on what is said.

A Pre-Hearing is where both parties would come before the Board, check to see if there is any room for compromise, if there isn't, then the Board would proceed to a Full Hearing. The Board can make the decision to go straight into the matter. Caution should be made that it is unknown how long that hearing could take.

Board Members not present at the Pre-Hearing will be still allowed to participate at the Full Hearing, the Full Hearing is a de-nova process.

Med Kopczynski made the **motion** that a Pre-Hearing be set for May 14, 2004 in this appeal. **Motion** was **seconded** by Tedd Evans. Board vote was unanimous and so declared by the Chair.

Procedurally, no Board member shall speak to either party. Ken Andrews told the Committee that the municipality for which he works, just hired a new deputy fire chief that was in the Town of Durham, just prior. Chairman Clegg said that any member may excuse themselves if they feel there might be a conflict. Chairman Clegg will advise both sides, and if they feel there might be a conflict, he would decide.

Ken Andrews made the **motion** to grant both party's requests for an extension on time, beyond the 40 day requirement for holding a hearing. Tedd Evans **seconded** the motion. There being no discussion, Chairman Clegg called for a vote. Vote was unanimous and so declared.

CLOSE OF MEETING:

Chairman Clegg accepted a **motion** from Med Kopczynski. George Maihos **seconded** the motion. Vote was unanimous and the Chair concluded the meeting